

EXHIBIT B

LAW OFFICE OF DREW J. BAUMAN

Counselor at Law
658 Ridgewood Road
Maplewood, New Jersey 07040
(973) 763-9876
FAX (973) 763-0147

September 12, 2019

VIA EMAIL (mgertsmeier@Hanover.com)

Mary Gertsmeier
The Hanover Insurance Company
440 Lincoln Street
Worcester, MA01653

Re: Policy #: LHY D729578 00

Dear Ms. Gertsmeier:

Enclosed please find a Summons and Complaint which were received by this office over the weekend.

As you are aware, this matter arose out of our representation of James Woerner in a real estate transaction in which he was the buyer. He received a fraudulent email instructing him to send a wire transfer to a bank which he believed represented the sellers in the transaction.

To date, I have never seen any evidence that this incident arose out of any omission on our part or on our failure to secure the client's confidential information. Our letterhead and contact information were sent to the seller's attorney, the realtors and would have been readily available to the real estate agents and to the Manasquan Bank from which the funds were wired.

I am not aware at this time if a cause of action has been initiated by the Plaintiff against any of the above referenced entities.

Please review the enclosed and contact us if you need any additional information.

Thank you for your attention to this matter.

Very truly yours,

Drew J. Bauman

Received: 09/06/2019 FRI 16:08 FAX 7324493305 Law Office Roy D Curnow Ser 6 2019 05:22pm

0003/014

LAW OFFICE OF ROY D. CURNOW

Roy D. Curnow - NJ Attorney ID No. - 019081978
 900 Highway 71
 Spring Lake Heights, New Jersey 07762
 (732) 449-3304
 Attorney for Plaintiff, James Woerner

<p>JAMES WOERNER,</p> <p>Plaintiff,</p> <p>v.</p> <p>DREW J. BAUMAN; LAW OFFICE OF DREW J. BAUMAN; JOHN/JANE DOES 1-5, (names being fictitious and unknown); ABC INFORMATION TECHNOLOGY CORPORATIONS 6-10 (names being fictitious and unknown); and DEF CYBER THIEF, (name being fictitious and unknown),</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MONMOUTH COUNTY DOCKET NO: MON-L-3086-19</p> <p>Civil Action</p> <p>SUMMONS</p>
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FROM THE STATE OF NEW JERSEY TO:

LAW OFFICE OF DREW J. BAUMAN

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or Motion and Proof of Service with the Deputy Clerk of the Superior Court in the county listed above within thirty-five (35) days from the date you received this Summons, not counting the date you received it. (The address of each Deputy Clerk of the Superior Court is provided.) If the Complaint is one in foreclosure, then you must file your written Answer or Motion and Proof of Service with the Clerk of the Superior Court, Hughes Justice Complex, Post Office Box 971, Trenton, New Jersey 08625. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within thirty-five (35) days, the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the County where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: September 6, 2019

/s/ Michelle M. Smith

Michelle M. Smith, Clerk of the Superior Court

Name of Defendant to be served:
 Address for Service:

LAW OFFICE OF DREW J. BAUMAN
658 Ridgewood Road
Maplewood, NJ 07040

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 09/06/2019 FRI 16:08 FAX 7324493305 Law Office Roy D Curnow

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**Directory of Superior Court Deputy Clerk's Offices
 County Lawyer Referral and Legal Services Offices**

ATLANTIC COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division, Direct Filing
 1201 Bacharach Blvd., First Fl.
 Atlantic City, NJ 08401
LAWYER REFERRAL
 (609) 345-3444
LEGAL SERVICES
 (609) 348-4200

BERGEN COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division, Room 115
 Justice Center, 10 Main St.
 Hackensack, NJ 07601
LAWYER REFERRAL
 (201) 488-0044
LEGAL SERVICES
 (201) 487-2166

BURLINGTON COUNTY:
 Deputy Clerk of the Superior Court
 Central Processing Office
 Attn: Judicial Intake
 First Fl., Courts Facility
 49 Rancocas Rd.
 ML Holly, NJ 08060
LAWYER REFERRAL
 (609) 261-4862
LEGAL SERVICES
 (609) 261-1088

CAMDEN COUNTY:
 Deputy Clerk of the Superior Court
 Civil Processing Office
 Hall of Justice
 1st Fl., Suite 150
 101 South 5th Street
 Camden, NJ 08103
LAWYER REFERRAL
 (856) 482-0618
LEGAL SERVICES
 (856) 964-2010

CAPE MAY COUNTY:
 Deputy Clerk of the Superior Court
 9 N. Main Street
 Cape May Court House, NJ 08210
LAWYER REFERRAL
 (609) 463-0313
LEGAL SERVICES
 (609) 465-3001

CUMBERLAND COUNTY:
 Deputy Clerk of the Superior Court
 Civil Case Management Office
 60 West Broad Street
 P.O. Box 10
 Bridgeton, NJ 08302
LAWYER REFERRAL
 (856) 696-5550
LEGAL SERVICES
 (856) 691-0494

ESSEX COUNTY:
 Deputy Clerk of the Superior Court
 Civil Customer Service
 Hall of Records, Room 201
 465 Dr. Martin Luther King Jr. Blvd.
 Newark, NJ 07102
LAWYER REFERRAL
 (973) 622-6204
LEGAL SERVICES
 (973) 624-4500

GLOUCESTER COUNTY:
 Deputy Clerk of the Superior Court
 Civil Case Management Office
 Attn: Intake
 First Fl., Court House
 1 North Broad Street
 Woodbury, NJ 08096
LAWYER REFERRAL
 (856) 848-4589
LEGAL SERVICES
 (856) 848-5360

HUDSON COUNTY:
 Deputy Clerk of the Superior Court
 Superior Court, Civil Records Dept.
 Brennan Court House--1st Floor
 583 Newark Ave.
 Jersey City, NJ 07306
LAWYER REFERRAL
 (201) 798-2727
LEGAL SERVICES
 (201) 792-6363

HUNTERDON COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division
 65 Park Avenue
 Flemington, NJ 08822
LAWYER REFERRAL
 (908) 236-6109
LEGAL SERVICES
 (908) 782-7979

MERCER COUNTY:
 Deputy Clerk of the Superior Court
 Local Filing Office, Courthouse
 175 S. Broad Street, P.O. Box 8068
 Trenton, NJ 08650
LAWYER REFERRAL
 (609) 585-6200
LEGAL SERVICES
 (609) 695-6249

MIDDLESEX COUNTY:
 Deputy Clerk of the Superior Court,
 Middlesex Vicinage
 2nd Floor - Tower
 56 Paterson Street, P.O. Box 2633
 New Brunswick, NJ 08903-2633
LAWYER REFERRAL
 (732) 828-0053
LEGAL SERVICES
 (732) 249-7600

MONMOUTH COUNTY:
 Deputy Clerk of the Superior Court
 Court House
 P.O. Box 1269
 Freehold, NJ 07728-1269
LAWYER REFERRAL
 (732) 431-5544
LEGAL SERVICES
 (732) 866-0020

MORRIS COUNTY:
 Morris County Courthouse
 Civil Division
 Washington and Court Streets
 P. O. Box 910
 Morristown, NJ 07963-0910
LAWYER REFERRAL
 (973) 267-5882
LEGAL SERVICES
 (973) 285-6911

OCEAN COUNTY:
 Deputy Clerk of the Superior Court
 118 Washington Street, Room 121
 P.O. Box 2191
 Toms River, NJ 08754-2191
LAWYER REFERRAL
 (732) 240-3666
LEGAL SERVICES
 (732) 341-2727

PASSAIC COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division
 Court House
 77 Hamilton Street
 Paterson, NJ 07505
LAWYER REFERRAL
 (973) 278-9223
LEGAL SERVICES
 (973) 523-2900

SALEM COUNTY:
 Deputy Clerk of the Superior Court
 Attn: Civil Case Management Office
 92 Market Street
 Salem, NJ 08079
LAWYER REFERRAL
 (856) 935-5629
LEGAL SERVICES
 (856) 691-0494

SOMERSET COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division
 P.O. Box 3000
 40 North Bridge Street
 Somerville, N.J. 08876
LAWYER REFERRAL
 (908) 685-2323
LEGAL SERVICES
 (908) 231-0840

SUSSEX COUNTY:
 Deputy Clerk of the Superior Court
 Sussex County Judicial Center
 43-47 High Street
 Newton, NJ 07860
LAWYER REFERRAL
 (973) 267-5882
LEGAL SERVICES
 (973) 383-7400

UNION COUNTY:
 Deputy Clerk of the Superior Court
 1st Fl., Court House
 2 Broad Street
 Elizabeth, NJ 07207-6073
LAWYER REFERRAL
 (908) 353-4715
LEGAL SERVICES
 (908) 354-4340

WARREN COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division Office
 Court House
 413 Second Street
 Belvidere, NJ 07823-1500
LAWYER REFERRAL
 (908) 859-4300
LEGAL SERVICES
 (908) 475-2010

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MON-L-003086-19 08/29/2019 9:37:28 AM Pg 1 of 6 Trans ID: LCV20191545343

LAW OFFICE OF ROY D. CURNOW

Roy D. Curnow – NJ Attorney ID No. - 019081978
 900 Highway 71
 Spring Lake Heights, New Jersey 07762
 (732) 449-3304
 Attorney for Plaintiff, James Woerner

<p>JAMES WOERNER,</p> <p>Plaintiff,</p> <p>v.</p> <p>DREW J. BAUMAN; LAW OFFICE OF DREW J. BAUMAN; JOHN/JANE DOES 1-5, (names being fictitious and unknown); ABC INFORMATION TECHNOLOGY CORPORATIONS 6-10 (names being fictitious and unknown); and DEF CYBER THIEF, (name being fictitious and unknown),</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MONMOUTH COUNTY DOCKET NO:</p> <p>Civil Action</p> <p>COMPLAINT AND JURY DEMAND (PROFESSIONAL LIABILITY)</p>
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Plaintiff, James Woerner residing at 200 Beacon Boulevard, Sea Girt, New Jersey, by way of complaint against the defendants states as follows:

FIRST COUNT

1. This is a lawsuit for legal malpractice and breach of fiduciary duty. At all relevant times, plaintiff retained the services of Drew J. Bauman, attorney at law to represent plaintiff's interest with respect to a real estate transaction whereby plaintiff intended to purchase a condominium in Lake Como, New Jersey.

2. Defendant Drew J. Bauman from the law offices of Drew J. Bauman is a real estate attorney who held himself out as a competent and diligent attorney experienced in real estate law with offices located at 658 Ridgewood Road, Maplewood, New Jersey.

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3. Plaintiff retained the services of defendant, relying upon defendant's representation that defendant would assist plaintiff in all aspects of the purchasing process, including but not limited to discharging defendant's fiduciary duty to protect plaintiff's funds necessary to purchase the said condominium. Defendant had a further duty to protect the integrity of defendant's email and the confidentiality of all communications between defendant and plaintiff.

4. Defendant breached said duties and as a result of defendant's negligence, carelessness and recklessness, DEF Cyber Thief was able to hack into defendant's email system and gain access to the email communications between defendant and plaintiff.

5. As a result of the negligence, carelessness and/or recklessness of said defendant Bauman aforesaid, DEF Cyber Thief drafted a fraudulent email purporting to originate from defendant's office and was delivered to plaintiff. The said fraudulent email instructed plaintiff to send funds by wire transfer to a bank account under the control of DEF Cyber Thief.

6. In reliance upon defendant's representations that said email instructions came from plaintiff's attorney, plaintiff wire transferred the money to the specified account i.e. to the account controlled by said DEF Cyber Thief.

7. Defendant Drew J. Bauman's negligence in failing to protect the integrity of his email and computer system and his failure to inform plaintiff as to the proper procedure for wiring funds, enabled said DEF Cyber Thief to successfully accomplish their scheme; to hack defendant's email system and to steal \$50,450.98 of plaintiff's money. Specifically defendant breached his duty to plaintiff with respect to the following:

- a. Defendant failed to take reasonable and necessary security precautions such as installing appropriate protective software;
- b. Defendant failed to take reasonable measures to secure client files and client communications;

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- c. Defendant failed to secure his email account and computer;
- d. Defendant failed to prevent his email account from being used by unauthorized third parties;
- c. Defendant failed to investigate the incident in a timely manner;
- f. Defendant failed to have in place a method of confirming instructions for wire transfers and orally confirming the receipt by the intended party of the funds transferred;
- g. Defendant violated rules of professional conduct including but not limited to failing to take reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or authorize access to, information relating to the representation of a client;
- h. Defendant and/or defendant's agents, servants and/or employees failed to monitor the computer's network activity such to have prevented this cyber attack.

8. Despite plaintiff's best efforts the said monies have not been recovered and plaintiff is left with an uncompensated loss of \$50,450.98.

9. Plaintiff through his attorney has repeatedly requested that defendant reimburse plaintiff for the stolen funds and the failure of these efforts has forced plaintiff to bring this lawsuit.

WHEREFORE, plaintiff demands judgment against defendant Drew J. Bauman and the Law Office of Drew J. Bauman, for compensatory damages, punitive damages, attorney fees together with legal interest and statutory costs and fees.

SECOND COUNT

1. Plaintiff repeats and re-alleges by reference each and every allegation contained in the First Count and incorporates the same by reference as though fully set forth herein.

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2. At all relevant times defendant JOHN/JANE DOES 1-5, (names being fictitious and unknown); ABC INFORMATION TECHNOLOGY CORPORATIONS 6-10 (names being fictitious and unknown), provided information technology services to defendant, Drew J. Bauman, including but not limited to ways and means to secure client's confidential communications and took other measures to prevent hacking of defendant's email as set forth in the First Count of the within complaint.

3. As a result of the negligence, carelessness and recklessness of JOHN/JANE DOES 1-5, (names being fictitious and unknown); ABC INFORMATION TECHNOLOGY CORPORATIONS 6-10 (names being fictitious and unknown), plaintiff has sustained damages as stated. Defendant's email was hacked giving rise to the cyber theft as set forth in the First Count.

WHEREFORE, plaintiff demands judgment against the defendant, JOHN/JANE DOES 1-5, (names being fictitious and unknown); ABC INFORMATION TECHNOLOGY CORPORATIONS 6-10 (names being fictitious and unknown), for compensatory damages, punitive damages, attorney fees together with legal interest and statutory costs and fees.

THIRD COUNT

1. Plaintiff repeats and re-alleges by reference each and every allegation contained in the First and Second Counts and incorporates the same by reference as though fully set forth herein.

2. At all relevant times DEF Cyber Thief, an unknown entity, hacked into defendant's email and utilized the privileged communications to forward fraudulent transmissions to plaintiff with the intent of defrauding plaintiff in the amount of \$50,450.98.

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3. DEF Cyber Thief stole the funds wired by plaintiff as a result of the negligence, carelessness and recklessness of plaintiff's attorney.

WHEREFORE, plaintiff demands judgment against the defendant, DEF Cyber Thief, for compensatory damages, punitive damages, attorney fees together with legal interest and statutory costs and fees.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R.4:10-2(b), demand is hereby made that defendant disclose to Plaintiff's attorney whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide Plaintiff's attorney with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe, PUP (Personal Umbrella Policy) and umbrella policies.

JURY DEMAND

PLEASE TAKE NOTICE that pursuant to R. 4:35-1, the plaintiff demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

Please take notice that, pursuant to R. 4:18-4, Roy D. Curnow, Esquire is hereby designated as trial counsel.

AFFIDAVIT OF MERIT

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Plaintiff's claim is meritorious as set forth in the Affidavit of Merit attached hereto and incorporated herein as Exhibit A.

CERTIFICATION

I hereby certify that this matter is not the subject matter of any other suit presently pending in any other court or in any Arbitration proceedings. At this time, no other court proceeding or Arbitration proceeding is contemplated.

LAW OFFICES OF ROY D. CURNOW
Attorneys for Plaintiff, JAMES WOERNER

BY:


ROY D. CURNOW, ESQ.

Dated:

8/28/19

Received: Sep 6 2019 05:23pm
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LAW OFFICE OF ROY D. CURNOW

Roy D. Curnow - NJ Attorney ID No. - 019081978
 900 Highway 71
 Spring Lake Heights, New Jersey 07762
 (732) 449-3304
 Attorney for Plaintiff, James Woerner

RECEIVED

AUG 13 2019

LAW OFFICES
 ROY D. CURNOW

JAMES WOERNER,

Plaintiff,

v.

DREW J. BAUMAN; LAW OFFICE OF DREW J. BAUMAN; JOHN/JANE DOES 1-5, (names being fictitious and unknown); ABC INFORMATION TECHNOLOGY CORPORATIONS 6-10 (names being fictitious and unknown); and DEF CYBER THIEFS 11-15, (names being fictitious and unknown),

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: MONMOUTH COUNTY
 DOCKET NO:

Civil Action

AFFIDAVIT OF MERIT

STATE OF NEW JERSEY:

COUNTY OF MONMOUTH : SS.:

I, Robert Sims, Esq., being duly sworn according to law upon my oath depose and say:

1. I am licensed as an attorney at law in the State of New Jersey.
2. From 2011 up to and including the present, I have been practicing law and my practice has been devoted substantially to the area of Real Estate Law for at least five (5) years.
3. I have reviewed the materials provided to me and find that this is a meritorious cause of action.
4. Based upon the materials provided, there exists a reasonable probability that the care, skill or knowledge exercised or exhibited in the subject matter of this Complaint fell below acceptable treatment practices which gave rise to plaintiff's lawsuit against the above named defendants.

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Sep 6 2019 05:24pm

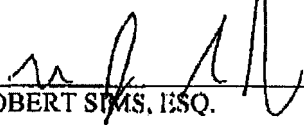
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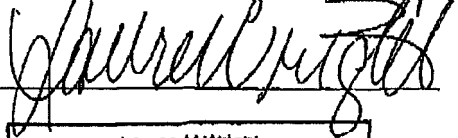
5. I have no financial interest in the outcome of this matter.

6. I am aware that this Affidavit of Merit does not constitute an expert opinion, and therefore, I cannot be subject to deposition regarding same.

7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


ROBERT SIMS, ESQ.

Sworn and subscribed before me
this 20th day of August, 2019



Lauren M Wright
Notary Public
Ocean County, New Jersey
My Commission Expires 03/28/2023
Notary ID# 80079428

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Civil Case Information Statement

Case Details: MONMOUTH (Civil Part Docket# L-003086-19

Case Caption: WOERNER JAMES VS BAUMAN DREW

Case Initiation Date: 08/29/2019

Attorney Name: ROY D CURNOW

Firm Name: ROY D. CURNOW

Address: 900 ROUTE 71

SPRING LAKE NJ 077620000

Phone: 7324493304

Name of Party: PLAINTIFF : WOERNER, JAMES

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: PROFESSIONAL MALPRACTICE

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? YES

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTIC FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

08/29/2019
Dated

/s/ ROY D CURNOW
Signed

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MONMOUTH COUNTY
SUPERIOR COURT
PO BOX 1269
FREEHOLD

NJ 07728

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 358-8700
COURT HOURS 9:30 AM - 4:30 PM

DATE: AUGUST 29, 2019
RE: WOERNER JAMES VS BAUMAN DREW
DOCKET: MON L -003086 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON LOURDES LUCAS

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (732) 358-8700.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: ROY D. CURNOW
ROY D. CURNOW
900 ROUTE 71
SPRING LAKE NJ 07762

ECOURTS